

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CURTIS BURDINE, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:04-1323

PRIMECARE MEDICAL OF
WEST VIRGINIA, INC.,

Defendant.

ORDER

This action was referred to the Honorable Maurice G. Taylor, Jr., United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendant's motions to dismiss or, in the alternative, for summary judgment be granted and this action dismissed with prejudice. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** Defendant's motions to dismiss or, in the alternative, for summary judgment be granted and this action dismissed with prejudice, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented parties.

ENTER: September 21, 2005



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE